

AMENDMENTS TO THE CLAIMS:

Please amend the claims as follows. This listing of claims will replace all prior listings.

1. (Original) A container capable of supporting a second container in a plurality of positions relative to the container, the container comprising:

a floor;

an upstanding wall structure including a plurality of walls attached to each other and extending upwardly from the floor to define a unitary construction, one of the walls including an outer wall portion and an inner wall portion spaced inwardly from the outer wall portion, at least one of the inner and outer wall portions having an elongated pin opening; and

a bail member having a support portion and an arm extending transversely from the support portion, a pin extending transversely from the arm, the pin received in the pin opening, the arm received between the inner and outer wall portions, the bail member selectively movable among a nest position, a first stack position in which the support portion is a first distance from the floor and a second stack position in which the support portion is a second distance from the floor, the second distance being different from the first distance, wherein the bail member is pivotable about a first pivot axis between the nest position and the first stack position, and wherein the pin of the bail member is at a second pivot axis, spaced from the first pivot axis, when the bail member is in the second stack position.

2. (Currently Amended) The container of claim 1 wherein the first pivot axis is a third distance from the floor, the third distance less than the first distance and greater than the second distance and wherein the first pivot axis is positioned ~~inwardly~~ outward of the second axis.

3. (Original) The container of claim 1 wherein the second distance is less than the first distance.

4. (Original) The container of claim 1 wherein the arm is one of two arms extending transversely from opposite ends of the support portion, and wherein the pin is one of two pins, each extending from one of the arms.

5. (Original) The container of claim 1 wherein the one of the walls includes a lower wall portion and wherein the inner and outer wall portions are an upper wall portion, wherein the inner wall portion is aligned with the lower wall portion and wherein the outer wall portion is positioned outwardly of the lower wall portion.

6. (Original) The container of claim 1 wherein the one of the walls includes a second support surface supporting the support portion of the bail member when the bail member is in the second stack position, the second support surface nesting within the walls of a like container when the container is stacked thereon.

7. (Original) A container capable of supporting a second container in a plurality of positions relative to the container, the container comprising:

a floor;

an upstanding wall structure including a plurality of walls attached to each other and extending upwardly from the floor to define a unitary construction, one of the walls including an outer wall portion and an inner wall portion spaced inwardly from the outer wall portion, at least one of the inner and outer wall portions having a pin opening, the opening defining a first pivot axis spaced from a second pivot axis by at least one upward protrusion; and

a bail member having a support portion and an arm extending transversely from the support portion, a pin extending transversely from the arm, the pin received in the pin opening, the arm received between the inner and outer wall portions, the bail member selectively movable among a nest position, a first stack position in which the support portion is a first distance from the floor and a second stack position in which the support portion is a second distance from the floor, the second distance being different from the first distance, wherein the bail member is pivotable about the first pivot axis when in the nest position, and wherein the bail member is pivotable about the second pivot axis when the bail member is in the second stack position.

8. (Currently Amended) The container of claim 7 wherein the at least one upward protrusion includes a first ramped surface adjacent the first pivot axis and a ~~substantially vertical~~ second ramped surface adjacent the second pivot axis.

9. (Currently Amended) The container of claim 8 wherein the first ramped surface extends at an acute angle relative to the floor.

10. (Original) The container of claim 9 wherein the bail member is pivotable about the first axis between the nest position and the first stack position.

11. (Original) The container of claim 7 wherein the second distance is less than the first distance.

12. (Original) The container of claim 7 wherein the arm is one of two arms extending transversely from opposite ends of the support portion, and wherein the pin is one of two pins, each extending from one of the arms.

13. (Original) The container of claim 7 wherein the one of the walls includes a lower wall portion and wherein the inner and outer wall portions are an upper wall portion, wherein the inner wall portion is aligned with the lower wall portion and wherein the outer wall portion is positioned outwardly of the lower wall portion.

14. (Original) A container capable of supporting a second container in a plurality of positions relative to the container, the container comprising:

a floor;

an upstanding wall structure including a plurality of walls attached to each other and extending upwardly from the floor to define a unitary construction, one of the walls including an outer wall portion and an inner wall portion spaced inwardly from the outer wall portion, at least one of the inner and outer wall portions having a pin opening, the opening defining a first pivot axis at a first end of the opening and a second pivot axis at an opposite, second end of the opening; and

a bail member having a support portion and an arm extending transversely from the support portion, a pin extending transversely from the arm, the pin received in the pin opening, the arm received between the inner and outer wall portions, the bail member selectively movable among a nest position, a first stack position in which the support portion is a first distance from the floor and a second stack position in which the support portion is a second distance from the floor, the second distance being different from the first distance, wherein the bail member is pivotable about the first pivot axis when in the first stack position, and wherein the bail member is pivotable about the second pivot axis when the bail member is in the second stack position.

15. (Original) The container of claim 14 wherein further including at least one upward protrusion between the first and second pivot axes, and wherein the at least one upward protrusion includes a ramped surface adjacent the first pivot axis.

16. (Original) The container of claim 15 wherein the ramped surface extends at an acute angle relative to the floor.

17. (Original) The container of claim 16 wherein the bail member is pivotable about the first axis between the nest position and the first stack position.

18. (Original) The container of claim 15 wherein the second distance is less than the first distance.

19. (Original) The container of claim 15 wherein the arm is one of two arms extending transversely from opposite ends of the support portion, and wherein the pin is one of two pins, each extending from one of the arms.

20. (Original) The container of claim 15 wherein the one of the walls includes a lower wall portion and wherein the inner and outer wall portions are an upper wall portion, wherein the inner wall portion is aligned with the lower wall portion and wherein the outer wall portion is positioned outwardly of the lower wall portion.

21. (Cancelled)

22. (Cancelled)

23. (Cancelled)

24. (Original) A container capable of supporting a second container in a plurality of positions relative to the container, the container comprising:

a floor;

an upstanding wall structure including a plurality of walls attached to each other and extending upwardly from the floor to define a unitary construction, one of the walls including an outer wall portion and an inner wall portion spaced inwardly from the outer wall portion, at least one of the inner and outer wall portions having a pin opening defining a plurality of pivot axes, the other of the inner and outer wall portions defining a plurality of support rests at different heights from the floor; and

a bail member having a support portion and an arm extending transversely from the support portion, a pin extending transversely from the arm, the pin received in the pin opening, the arm received between the inner and outer wall portions, the bail member selectively movable among a nest position, a first stack position in which the support portion is a first distance from the floor, a second stack position in which the support portion is a second distance from the floor, and a third stack position in which the support portion is a third distance from the floor, the first, second and third distances all being different from one another.

25. (Original) The container of claim 24 wherein the plurality of pivot axes includes a first pivot axis and a second pivot axis and wherein the bail member is pivotable about the first pivot axis when in the first stack position, and wherein the bail member is pivotable about the second pivot axis when the bail member is in the second stack position.

26. (Original) The container of claim 24 wherein the one of the walls includes a second support surface supporting the support portion of the bail member when the bail member is in the second stack position, the second support surface nesting within the walls of a like container when the container is stacked thereon.

27. (Original) A container capable of supporting a second container in a plurality of positions relative thereto, the container comprising:

a floor having an upper surface;

a wall structure having a plurality of walls extending upwardly from the floor to form a unitary construction, one of the walls including a pair of wall portions spaced apart from each other, at least one of the pair of wall portions having an elongated pin opening; and

a bail member having a support portion and at least one arm extending transversely from the support portion, a pin extending transversely from the at least one arm, the pin received in the pin opening, the at least one arm received between the pair of wall portions, the bail member selectively movable among a nest position, a first stack position in which the support portion is a first distance above the floor upper surface and a second stack position in which the support portion is a second distance above the floor upper surface, the second distance being different

from the first distance, wherein the bail member is pivotable about a first pivot axis between the nest position and the first stack position, and wherein the pin of the bail member is at a second pivot axis, spaced from the first pivot axis, when the bail member is in the second stack position.

28. (Original) The container of claim 27 wherein the first pivot axis is a third distance above the floor upper surface, the third distance less than the first distance and greater than the second distance and wherein the first pivot axis is positioned ~~inwardly~~ outward of the second axis.

29. (Original) The container of claim 27 wherein the second distance is less than the first distance.

30. (Original) The container of claim 27 wherein the at least one arm is a pair of arms.

31. (Original) The container of claim 27 wherein one of the walls includes a lower wall portion and wherein the pair of wall portions are an upper wall portion, wherein one of the pair of wall portions is aligned with the lower wall portion and wherein the other of the pair of wall portions is positioned outwardly of the lower wall portion.

32. (Original) A container capable of supporting a second container in a plurality of positions relative thereto, the container comprising:

a floor having an upper surface;

an upstanding wall structure including a plurality of walls extending upwardly from the floor to form a unitary construction, one of the walls including a pair of spaced apart wall portions, at least one of the pair of wall portions having a pin opening, the opening defining a first pivot axis at a first end of the opening and a second pivot axis at an opposite, second end of the opening; and

a bail member having a support portion and at least one arm extending transversely from the support portion, at least one pin extending transversely from the at least one arm, the at least one pin received in the pin opening, the at least one arm received between the pair of wall portions, the bail member selectively movable among a nest position, a first stack position in which the support portion is a first distance from the floor upper surface and a second stack position in which the support portion is a second distance from the floor upper surface, the first distance being different from the second distance, wherein the bail member is pivotable about the first pivot axis when in the first stack position, and wherein the bail member is pivotable about the second pivot axis when the bail member is in the second stack position.

33. (Original) The container of claim 32 wherein further including at least one upward protrusion between the first and second pivot axes, and wherein the at least one upward protrusion includes a ramped surface adjacent one of the first and second pivot axes.

34. (Original) The container of claim 32 wherein the bail member is pivotable about the first pivot axis between the nest position and the first stack position.

35. (Original) The container of claim 32 wherein the one of the walls includes a lower wall portion and wherein the pair of wall portions define an upper wall portion, wherein one of the pair of wall portions is aligned with the lower wall portion and wherein the other of the pair of wall portions is positioned outwardly of the lower wall portion.

36-38. (Withdrawn)